

FILED

MARCH 10, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

08 C 1399

JEFFREY MOORE,

Case No.
Hon.

Plaintiff,

-VS-

JAMES G. RUEHLMANN, JR., JAMES RUEHLMANN, SR.,
and DONNA RUEHLMANN, Jointly and Severally,

JUDGE ANDERSEN
MAGISTRATE JUDGE SCHENKIER

Defendants.

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COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, JEFFREY MOORE, by and through his attorneys, SOMMERS SCHWARTZ, P.C. and CECIL F. BOYLE, JR., and for his complaint against the Defendants, states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff, JEFFREY MOORE, is and was at all times pertinent hereto, a resident of the State of Michigan.

2. That the Defendant, JAMES G. RUEHLMANN, JR., is and was at all times pertinent hereto, a resident of the City of Naperville, State of Illinois.

3. That the Defendants, JAMES RUEHLMANN, SR. and DONNA RUEHLMANN, were at all times pertinent hereto, residents of the City of Naperville, State of Illinois.

4. That the amount in controversy is in excess of Seventy-Five Thousand (\$75,000.00) Dollars, exclusive of interest, costs and attorney fees, and jurisdiction is hereby vested within this court by way of diversity pursuant to 28 USC §1332(a)(1).

5. That on or about March 19, 2007, Plaintiff was a passenger in a 2000 Jeep Grand Cherokee being driven by the Defendant, JAMES G. RUEHLMANN, JR., traveling in a westbound direction on Broadway Avenue, at or near its intersection with 19th Avenue in the City of Nashville, State of Tennessee.

6. That on the aforesaid date, the Defendant, JAMES G. RUEHLMANN, JR., was driving this 2000 Jeep Grand Cherokee with Ohio license plate number CEM 5870, and VIN number 1J4GW48S0YC339436, owned by his parents, JAMES RUEHLMANN, SR. and DONNA RUEHLMANN, with their consent and permission.

7. At said date, time and location, the Defendant, JAMES G. RUEHLMANN, JR., disregarded a red traffic signal, ran through a red light at the intersection, was hit on the passenger side by another vehicle that had the green light, causing the Jeep Grand Cherokee to roll over.

COUNT I
JAMES G. RUEHLMANN, JR.

8. Plaintiff repeats and realleges each and every allegation contained within this Complaint as though more fully set forth herein.

9. That the Defendant, JAMES G. RUEHLMANN, JR., owed the Plaintiff the duty to exercise reasonable care in the operation of the motor vehicle he was operating.

10. That the Defendant, JAMES G. RUEHLMANN, JR., breached his duty to exercise reasonable care and was negligent in the following particulars:

- a. Failing to operate said motor vehicle with due care and caution;
- b. Failing to operate said motor vehicle with due regard for traffic and surface conditions then and there existing;
- c. Failing to operate said motor vehicle upon the highway at a speed not greater than would permit the Defendant to bring said motor vehicle to a stop within the assured clear distance ahead;
- d. Failing to exercise reasonable and ordinary care to keep a sharp look out;
- e. Failing to maintain control of the vehicle at all times while upon the highway;
- f. Negligently and improperly running through a red light at an intersection;
- g. Failing to yield the right-of-way to a vehicle within the intersection that was within the intersection on a green light;
- h. Failing to make timely use of the braking system with which said vehicle was equipped;
- i. Operating said motor vehicle in excess of the posted speed limit;

- j. Improper lane usage;
- k. Improperly switching lanes at the last minute just before the intersection, when his travel lane turned into a left turn only lane;
- l. Other acts of negligence that shall be determined by means of discovery.

11. That notwithstanding the duties and obligations imposed upon the Defendant, JAMES G. RUEHLMANN, JR., as hereinbefore alleged, said Defendant omitted and neglected to obey each and all and every particular, and as a true and proximate result of the violations thereof, the Defendant caused the motor vehicle he was operating to lose control, causing Plaintiff, JEFFREY MOORE, to sustain serious and grievous injuries, including, but not limited to: a closed head injury, massive facial scarring to his right forehead and right eye, causing damage to his right eye and the inability to close his right eye, requiring two eye surgeries, decrease in vision to his right eye, nerve damage to his face and head causing numbness, traumatic injury to his left shoulder from road burns and a large 4 x 4 raised scar to his left shoulder.

12. That as a direct and proximate result of the Defendant, JAMES G. RUEHLMANN, JR.'s negligence, as hereinbefore alleged, Plaintiff, JEFFREY MOORE, sustained serious and grievous injuries, including, but not limited to: injuries to neck, shoulder, arms, back, hips and legs, with involvement of surrounding muscles, tendons, ligaments, soft tissues, and nerves, including disfigurement, all causing pain, discomfort, disability, mental anxiety, emotional distress and loss of the normal enjoyments of life. All of the above injuries and conditions are serious and permanent.

13. That as a direct and proximate result of the acts and/or omissions constituting negligence on the part of the Defendant as hereinbefore alleged, Plaintiff has been required to

undergo extensive medical care and treatment, including two surgeries to his right eye, stapling and suturing to his multiple scars, and will in the future be required to undergo further medical care and treatment. That Plaintiff has been forced to pay sums of money for medical bills for care and treatment to seek a cure for these injuries and will in the future be required to expend sums of money for medical care and treatment.

14. That as a direct and proximate result of the acts and/or omissions constituting negligence on the part of the Defendant as hereinbefore alleged, Plaintiff has sustained a loss of earnings and earning capacity.

WHEREFORE, Plaintiff, JEFFREY MOORE, claims judgment against the Defendants, JAMES G. RUEHLMANN, JR., JAMES RUEHLMANN, SR. and DONNA RUEHLMANN, Jointly and Severally, in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars, together with interest, costs and attorney fees.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE.

COUNT II
OWNERS' LIABILITY OF JAMES RUEHLMANN, SR. AND DONNA RUEHLMANN

15. Plaintiff repeats and realleges each and every paragraph of this Complaint as though more fully set forth herein.

16. That on said date, the Defendant, JAMES G. RUEHLMANN, JR., was operating the aforementioned vehicle with the permission and consent of the owners, his parents, JAMES RUEHLMANN, SR. and/or DONNA RUEHLMANN.

17. That the Defendants, JAMES RUEHLMANN, SR. and/or DONNA RUEHLMANN, are liable for the conduct and the activities of the Defendant, JAMES G. RUEHLMANN, JR., on

the date of this incident for his negligent driving of their vehicle pursuant to the Tennessee Owners Liability statute for the reasons stated herein in Count I.

18. That as a direct and proximate result of the negligence of the Defendants, JAMES RUEHLMANN, SR. and DONNA RUEHLMANN, Plaintiff suffered injuries and damages as stated in Count I of this Complaint.

19. Plaintiff repeats and realleges each and every allegation contained in paragraphs 11 through 14 of Count I of this Complaint as though more fully set forth herein.

WHEREFORE, Plaintiff, JEFFREY MOORE, claims judgment against the Defendants, JAMES G. RUEHLMANN, JR., JAMES RUEHLMANN, SR. and DONNA RUEHLMANN, Jointly and Severally, in the amount of Two Hundred Fifty Thousand (\$250,000.00) Dollars, together with interest, costs and attorney fees.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE

Respectfully submitted, by:

SOMMERS SCHWARTZ, P.C.

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Dated: March 10, 2008